

# TEXAS DEPARTMENT OF PUBLIC SAFETY

5805 N LAMAR BLVD • BOX 4087 • AUSTIN, TEXAS 78773-0001

512/424-2000

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RANDY WATSON

## RECEIPT FOR HAND DELIVERY

**Date:** April 25, 2019

**To:** Office of the Attorney General  
Open Records Section

**From:** Albert DiMarco  
Office of General Counsel  
Texas Department of Public Safety

**RE:** Public Information Request for basic information on missing American Indian persons  
within the state from 2000 through 2019 (PIR # 19-1598)

**Acknowledgement of Delivery:** \_\_\_\_\_

Name \_\_\_\_\_

**Date and Time of Delivery:** \_\_\_\_\_

\_\_\_\_\_

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April 25, 2019

## Via Hand Delivery

Attorney General of Texas  
Open Records Division  
209 West 14th Street, 6th Floor  
Austin, Texas 78701

RE: Public Information Request for basic information on missing American Indian persons within the state from 2000 through 2019 (PIR # 19-1598)

**DATE REQUEST FOR INFORMATION RECEIVED:**  
**DATE REQUEST FOR RULING SUBMITTED TO ATTORNEY GENERAL:**

4/15/2019  
4/25/2019

Dear Open Records Division:

The Department of Public Safety received the above-referenced request for information from Christopher Schiano on April 15, 2019. We believe some or all of the requested information is excepted from required public disclosure pursuant to sections 552.101 of the Government Code. Accordingly, we are requesting a ruling regarding the release of these records.

Section 552.101 of the Government Code states that “[i]nformation is excepted from the requirements of Section 552.021 if it is information considered to be confidential by law, either constitutional, statutory, or by judicial decision.”

This section encompasses article 63.017 of the Code of Criminal Procedure, which provides:

Clearinghouse records that relate to the investigation by a law enforcement agency of a missing child, a missing person, or an unidentified body and records or notations that the clearinghouse maintains for internal use in matters relating to missing children, missing persons, or unidentified bodies are confidential.

Crim. Proc. Code art. 63.017. For purposes of article 63.017, “clearinghouse” is defined as the missing children and missing persons information clearinghouse, which is established within the Texas Department of Public Safety. *Id.* Arts. 63.001(7), .002(a).

Although the requestor asks for the missing person information, the information entered into the TCIC system by the local law enforcement agency is used to create the Missing Persons Clearinghouse record. Thus, release of the TCIC/NCIC report would be a release of the Clearinghouse record, which is confidential under article 63.017 of the Code of Criminal Procedure.

Therefore, the Department believes the requested information is excepted from required public disclosure under section 552.101 of the Government Code.

Please find enclosed the request from Christopher Schiano, the notice of our request for a ruling sent to the requestor, and a representative sample of the records we wish to except from required disclosure. Please feel free to contact me at (512) 424-2890 if you have any questions.

Sincerely,

*Albert DiMarco*

Albert DiMarco  
Assistant General Counsel

Enclosure(s)

cc: Christopher Schiano  
MuckRock News  
DEPT MR 62893  
411A Highland Ave  
Somerville, MA 02144-2516  
[59649-43151794@requests.muckrock.com](mailto:59649-43151794@requests.muckrock.com)

\hqogcs001\ORA\2019 requests\19-1598\19-1598 (19-04-25) letter to AG